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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,015	10/10/2003	Tsuyoshi Watabe	114216-008	3204

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EXAMINER	
BRITTAIN, JAMES R	

ART UNIT	PAPER NUMBER
3677	

DATE MAILED: 04/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/684,015	WATABE, TSUYOSHI	
	Examiner	Art Unit	
	James R. Brittain	3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 February 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) *3,4,8-13 and 15-17* is/are withdrawn from consideration.

5)☒ Claim(s) *1,2,5-7 and 14* is/are allowed.

6)☒ Claim(s) *18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Species I in the reply filed on March 1, 2005 is acknowledged.

Claims 3, 4, 8-13 and 15-17 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, because all withdrawn claims (claim 9) that read on the withdrawn species do not include all of the limitations of allowed generic claim 1. Election was made **without** traverse in the reply filed on March 1, 2005. Since ALL withdrawn claims (claim 9) do not depend from or include the limitations of the allowed generic claim 1 these dependent claims remain withdrawn as claim 9 would appear to read on species covered by the withdrawn dependent claims. If applicant should cancel claim 9 or amend it to include Species I and all the limitations of allowed generic claim 1 along with making claim 18 allowable, then withdrawn claims 3, 4, 8-13 and 15-17 or a claims 3, 4, 8 and 15, if applicant cancels claims 9-13, 16 and 17, would be rejoined, to the extent it would be appropriate to do so given the amendment to claim 1, and the restriction requirement dropped between Species I, II, III and IV as these species are encompassed by generic claim 1. Therefore, claims appropriate to Species I, II, III and IV should be in this application and be dependent from claim 1 or otherwise include all the limitations of allowed generic claim 1. Those species, V, VI and VII, that squeeze the linear member between an elastic leg piece and the socket would not be encompassed by generic claim 1. Applicant is reminded to review the withdrawn claims for compliance with 35 U.S.C. 112, second paragraph, and to see which are still properly dependent on claim 1, now that it has been amended.

Specification

The abstract of the disclosure is objected to because it is written in non-idiomatic English. For example the passage "has a second string passage hole (23) capable of being communicated to said first string passage hole (111)" (lines 3-4) is improper because one hole is obviously not "being communicated" to the other hole. Further, legal terminology such as "said" should not be utilized in the abstract and should be removed. It is noted that applicant indicates in the response received October 11, 2005 that a substitute Abstract was submitted. However, no substitute Abstract was entered into the file so as to be reviewed. If it was lost in the Office, it is regretted. However, applicant must still provide a new Abstract. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 18 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Aronsson (WO 97/38243).

Aronsson (figure 4) teaches a string fixing device comprising a plug 4, and a socket 2 into which the plug is inserted, wherein the plug has a plug body having a first string passage hole, and a plurality of elastic leg pieces wherein each elastic leg piece comprises a single coil joined in series to adjacent coils defining other elastic pieces so as to comprise the entire compression spring extending from the plug body; the socket has a second string passage hole 18

capable of being aligned with the first string passage hole of the plug, and a third string passage hole 9' at right angles to the second string passage hole; and the last elastic leg piece of the compression spring holds the knot in a string inserted and passed through the third string passage hole 9'. The knot is shown in figure 4 as filling the bottom of the void in which the compression spring is housed so that the compression spring must rest on the knot.

Claim 18 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Holmberg (US 5924178).

Holmberg (figures 1-6) teaches a string fixing device comprising a plug 11, and a socket 10 into which the plug is inserted, wherein the plug has a plug body having a first string passage hole 16, and a plurality of elastic leg pieces wherein each elastic leg piece comprises a single coil joined in series to adjacent coils defining other elastic pieces so as to comprise the entire compression spring 13 extending from the plug body and a slide 12 extending from the last single coil defining the last elastic leg; the socket has a second string passage hole 17 capable of being aligned with first string passage hole 16, and a third string passage hole 22 at right angles to the second string passage hole; and the last elastic leg piece comprising the last coil of the spring 13 in combination and connected with the slide 12 can hold a string inserted and passed through the third string passage hole 22 with the elastic leg piece and an inner surface of the socket defined as the edge of the hole 22 and the inner surface of the protrusion 24, each of which is not part of the outer surface of the socket. Applicant utilizes the term "comprising", and open-ended term, in line 1 and does not preclude the use of the slide 12 from contacting the string.

Allowable Subject Matter

Claims 1, 2, 5-7 and 14 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: Applicant's reasons for allowance provided in the response received October 11, 2005 and found in the remarks on page 12, ¶1 are incorporated herein for the reasons for allowance of claim 1.

Response to Arguments

Applicant's arguments filed February 3, 2006 have been fully considered but they are not persuasive. Applicant argues that Holmberg does not teach "a plurality of elastically deformable leg pieces extending from the plug body". The claim construction does not require that each leg piece be separately connected to the plug body. In fact, a series of elastically deformable leg pieces serially connected in a unitary homogeneous manner such as the individual coils of a compression spring reads on "a plurality of elastically deformable leg pieces extending from the plug body". This is substantiated by figures 12-13B of applicant's device that clearly shows such a configuration including "a plurality of elastically deformable leg pieces extending from the plug body". Similarly, as pointed out above with respect to Holmberg applicant has utilized the term "comprising" a well known open-ended term and Holmberg is being applied to claim 18 in the same manner as the claim is considered to cover applicant's species of figure 17. Besides, the new rejection based on Aronsson anticipates the claimed subject matter.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is (571) 272-7065. The examiner can normally be reached on M-F 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James R. Brittain
Primary Examiner
Art Unit 3677

JRB